

REMARKS

Reconsideration is requested.

Claims 35, 36, 43-49, 51-53 and 58-71 are pending.

Claims 59, 60, 64, 65, 68 and 69 have been additionally canceled above, without prejudice. Claims 35, 36, 43-49, 51-53, 58, 61-63, 66, 67, 70 and 71 will be pending upon entry of the present Amendment.

The claims have been revised, without prejudice, to advance prosecution. Support for the claim amendments may be found throughout the specification. No new matter has been added. The present Amendment is not believed to raise new issues requiring further search and/or consideration. The Amendment does not add new claims. Entry of the present Amendment is requested.

Entry of the present Amendment will, at a minimum, reduce the issues for appeal by making moot the Section 103 rejection of claims 68 and 69 over Barry (Human Gene Therapy 12:1103-1108; 2001), Paulding (JBC 274:2532-2538), Ramezani (Mol. Ther. 2:458-469; 2000) and Rogers (JBC 274:6421-6431; 1999). Entry of the Amendment is requested.

Claim 35, as revised above, specifies the nature of the target cells and the nature of the at least two required and distinct posttranscriptional regulatory elements present in the vector. Support for the revisions may be found, for example, on page 4, lines 18-19, page 5, lines 5-10, page 9, lines 7-13, page 14, line 22, to page 15, line 6, as well as Figures 2A, 4, 6A and 7 of the present application. Claims 53 and 58 have been similarly revised, in particular regarding the neuronal nature of cells. Revised claim 36

finds support, for example, in page 9, lines 23-28 as well as by Figures 2A, 4 and 7 of the present application. Revised claims 44 and 46 refer above to claim 36.

The above amendments are made without prejudice or disclaimer and solely in order to facilitate reconsideration of this application. In particular, applicant reserves his right to file a divisional application at a later stage, and the present amendment shall not be considered as an admission of the objection or as a waiver of any subject matter.

The Section 103 rejection of claims 35, 36, 46 and 68-71 over Barry and Paulding is traversed. The Section 103 rejection of claims 43 and 68-71 over Barry and Paulding and Ramezani, is traversed. The Section 103 rejection of claims 44, 64, 65 and 68-71 over Barry, Paulding, Ramezani and Rogers (JBC 274:6421-6431; 1999) is traversed. The Section 103 rejection of claims 41-51 and 66-71 over Barry, Paulding, Ramezani, Rogers and Aronov (Journal of Molecular Neuroscience, 12:131-145; 1999) is traversed. The Section 103 rejection of claims 35, 52, 59 and 68-71 over Barry view of Paulding and Chang (Curr. Gene Ther. 2:237-251; 2001) is traversed. The Section 103 rejection of claims 68 and 69 over Barry, Paulding, Ramezani and Rogers is traversed. The Section 103 rejection of claims 70 and 71 over Barry, Paulding, Ramezani and Aronov is traversed. Reconsideration and withdrawal of the rejections are requested in view of the above and the following as well as the attached.

The applicants believe that the above amendments obviate the rejections in that unexpected and unpredictable advantageous effects on transgene expression are demonstrated in the experimental part of the present application, wherein the presently claimed vectors have been tested and validated for neuronal cells. These effects have

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further been confirmed in Brun et al. and were not predictable in view of the cited art, as further detailed in the concurrently-filed Declaration of Dr Jacques Mallet executed September 10, 2009.

Entry of the present Amendment, consideration of the Declaration and withdrawal of the Section 103 rejections are requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required.

Respectfully submitted,

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